

**REMARKS/ARGUMENTS**

In response to the Office Action mailed December 28, 2006, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, Claims 1, 3, and 7 are amended, no claims have been added, claims 2, 6 and 8 have been cancelled, and claims 9 and 10 have been withdrawn so that Claims 1, 3, 4, 5, 7 and 9-10 are currently pending. No new matter has been introduced.

Claims 1-4, 6 and 8, were rejected as being anticipated by U.S. Patent No. 5,516,770 to Waranis et al. and claims 1-3 and 5-8 were rejected as being anticipated by U.S. Patent Publication US 2004/0167152 to Rubino et al. These rejections are respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Neither Waranis et al. or Rubino et al. disclose a liquid formation comprising rapamycin, ethanol in a concentration of less than two percent, polyethelene glycol and water. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be grateful for the opportunity to conduct a telephonic or in-person interview of the Examiner believes it would be helpful in disposing of the present case.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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